

**ACMP Consistency Determination for  
General NPDES Permit AKG-37-0000  
(Alaskan Mechanical Placer Miners)**

The enclosed certification statement is based upon the requirements listed in 15 CFR Part 930.39 and the Alaska Division of Governmental Coordination's "Guide to Preparing an ACMP Consistency Determination for Federal Activities."

**A. AGENCY INFORMATION**

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**B. PROJECT INFORMATION**

The proposed General Permit (GP) would authorize:

1. discharges from placer mines designed, operated and maintained to hold a certain volume of water only in a precipitation related event such as a large storm or a succession of smaller storm events, or
2. discharges of excess water from placer mines designed, operated and maintained to hold a certain volume of water. Excess water might be ground water encountered in mining or precipitation over the capacity of the facility.

**C. PROJECT DESCRIPTION**

1. *Detailed Description.* Placer mining involves the mining and extraction of gold or other heavy metals and minerals primarily from alluvial deposits. These deposits may be in existing stream beds or ancient, often buried, stream deposits, i.e. paleo or fossil placers. Many Alaskan placer deposits consist of unconsolidated clay, sand, gravel, cobble and boulders that contain very small amounts of native gold or other precious metals. Most are stream deposits and occur along present stream valleys or on benches or terraces above existing streams. Essential components of placer mining include overburden removal, mining of the gold placer gravels, and processing (gold recovery).

The first part of the proposed GP in this action is coverage for "no discharge" facilities, including hydraulicking operations, that would not

prohibit all discharges but would limit discharges from properly designed, operated and maintained facilities to those caused by extreme precipitation events. The second part of the proposed GP is for discharging facilities which allows a discharge of excess wastewater subject to the effluent limitations of the permit.

2. *Time line.* The proposed GP would be effective for a five year term. If EPA does not have a permit in place upon expiration, the provisions of the GP may be administratively extended for covered facilities until EPA reissues the GP.
3. *Site plan.* An applicant is required to submit a site map with the Notice of Intent to be authorized under this GP.
4. *Supporting documentation.* Please see the proposed GP and Fact Sheet.
5. *Proposed best management practices.* Best Management Practices (BMPs) appropriate for the industry are included in the permit. (Permit Part II.D. of the proposed GP).

#### **D. PROJECT LOCATION**

Mechanical placer mining occurs in almost every part of the State. The majority of these facilities can be found in the Interior and on the Seward Peninsula.

#### **E. CONSISTENCY WITH THE ENFORCEABLE POLICIES OF THE ALASKA COASTAL MANAGEMENT PROGRAM**

1. *District Policies.* A final consistency determination on the modified 1994 GP was made on October 28, 1996. Additional comments on the proposed reissued GP's consistency with the District CMPs will be solicited from the affected coastal districts during the review period following this Federal agency notification (15 CFR Part 930.41).
2. *Alaska Coastal Management Program Standards*

The following analysis addresses the consistency of the proposed action with the relevant ACMP standards.

##### **6 AAC 80.040: Coastal Development**

The proposed GP would authorize qualifying discharges into freshwaters. The activity is water-dependent. This permit does not authorize discharges from mechanical operations into marine waters so the effect on coastal development would be minimal.

**6 AAC 80.060: Recreational Use and  
6 AAC 80.080: Transportation and Utilities**

The proposed GP is a reissuance of an expired GP. The proposed GP has more restrictive requirements for discharging facilities than the expired GP. Nothing in this permit grants the right to build a facility contrary to the local, state and federal laws applicable to the coverage area.

**6 AAC 80.120: Subsistence**

The Commissioner of the Alaska Department of Environmental Conservation (ADEC), Michele Brown, sent a letter to Robert Perciasepe, Assistant Administrator for EPA's Office of Water, dated October 8, 1997, concerning the State's regulations on using "site specific data to develop appropriate permit limits or site specific criteria to further our statutory mission, which includes protection of public health." Part II.B.6.b. of the proposed GP contains new language to address site specific criteria which could be developed that are more stringent than the proposed effluent limitation if concerns are raised to the State by an affected community or individual.

**6 AAC 80.130: Habitats**

**POTENTIAL IMPACTS**

It is anticipated that any discharge of effluent in compliance with the requirements of the GP will not impact any habitat.

**GENERAL PERMIT PROVISIONS**

*Effluent Limitations.* Permit Parts II.A. and II.B. contains requirements restricting the discharge of pollutants. It is anticipated that ADEC will certify this proposed GP.

*Best Management Practices.* Part II.D. of the permit includes BMPs required to minimize adverse environmental effects from activities authorized by the GP.

**OFFSHORE AREAS**

The proposed GP does not authorize discharge to the marine environment.

## WETLANDS

Discharges of wastewater to tundra wetlands are anticipated under this GP. The discharges are required to meet the effluent limitations of the permit.

## RIVERS, STREAMS, AND LAKES

Discharges of wastewater may take place into open waters. The discharges are required to meet the requirements of the permit.

## **6 AAC 80.140. Air, Land, and Water Quality**

### AIR QUALITY STANDARDS

The proposed GP would regulate discharges into waters of the United States. Under the NPDES program, EPA does not have jurisdiction over activities affecting air quality.

### WATER QUALITY STANDARDS

Section 301 of the Clean Water Act (the Act) prohibits the discharge of pollutants to waters of the United States unless that discharge complies with technology-based effluent limitations or any more stringent limitation necessary to achieve state water quality standards. Section 402 of the Act authorizes EPA to issue NPDES permits with conditions necessary to ensure that a discharge complies with the requirements of the Act.

EPA has requested a Section 401 Certification of the proposed GP from the Alaska Department of Environmental Conservation. A Section 401 Certification is a determination that the proposed GP complies with the Alaska State Water Quality Standards.

*Effluent Limitations.* One section of the proposed GP is meant for those facilities who would discharge only in a precipitation event so there are BMPs to comply with but no effluent limitations contained in the permit. Monitoring of any discharge is required. The second section of the proposed GP is meant for discharging facilities. The proposed effluent limitations incorporate specific Alaska State Water Quality Standards for arsenic and turbidity. A technology-based effluent limitation has been included for settleable solids which is comparable to the Water Quality Standard (WQS) for sediment.

*Best Management Practices.* The reissuance of the GP contains the BMP requirements for placer mining found in 40 CFR 440.148.

*Monitoring and Reporting Requirements.* The proposed GP requires self-monitoring of the effluent to determine compliance with the requirements of the proposed GP.

#### LAND QUALITY STANDARDS

The proposed GP would regulate discharges into waters of the United States. Under the NPDES program, EPA does not have jurisdiction over upland activities.

#### **6 AAC 80.150: Historical, Prehistoric, and Archeological Resources**

It is unlikely that discharges authorized under this GP would affect historical, prehistoric, and archaeological resources. However, the discharge of dredged or fill material associated with the construction of the facilities may affect these resources. The state would have an opportunity to identify these resources during the ACMP review for the required Section 404 permit.

### **F. CONSISTENCY DETERMINATION**

#### **15 CFR Part 930.37. Consistency Determinations for Proposed Activities**

Based on the above analysis of the state and district CMPs, EPA believes that the proposed general NPDES permit for Alaskan Mechanical Placer Miners is consistent to the maximum extent practicable with approved State management programs.

The EPA determines that the proposed activity complies with, and will be conducted in a manner consistent to the maximum extent practicable with, the Alaska Coastal Management Program, including affected coastal district programs.

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Randall F. Smith, Director  
Office of Water, Region 10

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Date